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Security Council

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Letter dated 14 July 2008 from the Permanent Observer of the African Union to the United Nations addressed to the President of the Security Council

Pursuant to Article 54 of the Charter of the United Nations, I have the honour to forward the attached press statement issued by the Peace and Security Council of the African Union at its 141st meeting in Addis Ababa on 11 July 2008, on the activities of the International Criminal Court (ICC) (see annex I), and the attached decision (Assembly/AU/Dec.199(XI)) adopted by the Assembly of Heads of State and Government of the African Union during its eleventh ordinary session, held on 30 June and 1 July 2008 in Sharm El Sheikh, Egypt (see annex II).

I should be grateful if the present letter and its annexes could be circulated as a document of the Security Council.

(*Signed*) Lila Hanitra **Ratsifandrihamanana**
Ambassador
Permanent Observer

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Annex I to the letter dated 14 July 2008 from the Permanent Observer of the African Union to the United Nations addressed to the President of the Security Council

Press statement

The Peace and Security Council of the African Union (AU), at its 141st meeting held on 11 July 2008, was briefed by the Deputy Prosecutor of the International Criminal Court (ICC) on some of the activities of the ICC.

Council took note of the briefing, and recalled the statement issued at the end of its 56th meeting held on 19 June 2006, following a similar briefing by the President and Prosecutor of the ICC.

Council reaffirmed the commitment of the African Union to combating impunity, in conformity with the relevant provisions of the AU Constitutive Act and other continental instruments, as well as the decisions of the Peace and Security Council.

At the same time, Council expressed its strong conviction that the search for justice should be pursued in a way that does not impede or jeopardize efforts aimed at promoting lasting peace, and recalled that, in resolution 1593(2005) of 31 March 2005, the United Nations Security Council also emphasized the need to promote healing and reconciliation.

In addition, Council recalled decision *Assembly/AU/Dec.*[illegible](XI) adopted by the 11th Ordinary Session of the Assembly of the Union held from 30 June to 1 July 2008, in Sharm El Sheikh, Egypt, and reiterated AU's concern with the misuse of indictments against African leaders.

Addis Ababa, 11 July 2008

Annex II to the letter dated 14 July 2008 from the Permanent Observer of the African Union to the United Nations addressed to the President of the Security Council

Decision on the report of the Commission on the Abuse of the Principle of Universal Jurisdiction

(Document Assembly/AU/14/(XI))

The Assembly:

1. **TAKES NOTE** of the Report of the Commission on the abuse of the Principle of Universal Jurisdiction pursuant to the recommendation of the Ministers of Justice/Attorneys General in Addis Ababa, Ethiopia on 18 April 2008;

2. **RECALLS** the Johannesburg Declaration of the Pan-African Parliament dated 15 May 2008;

3. **RECOGNIZING** that universal jurisdiction is a principle of International Law whose purpose is to ensure that individuals who commit grave offences such as war crimes and crimes against humanity do not do so with impunity and are brought to justice, which is in line with Article 4(h) of the Constitutive Act of the African Union;

4. **NOTING** the Brazzaville statement by the Inter-ministerial Committee of the International Conference on the Great Lakes Region dated 22 May 2008;

5. **RESOLVE** as follows:

   (i) The abuse of the Principle of Universal Jurisdiction is a development that could endanger International law, order and security;

   (ii) The political nature and abuse of the principle of universal jurisdiction by judges from some non-African States against African leaders, particularly Rwanda, is a clear violation of the sovereignty and territorial integrity of these States;

   (iii) The abuse and misuse of indictments against African leaders have a destabilizing effect that will negatively impact on the political, social and economic development of States and their ability to conduct international relations;

   (iv) Those warrants shall not be executed in African Union Member States;

   (v) There is need for establishment of an international regulatory body with competence to review and/or handle complaints or appeals arising out of abuse of the principle of universal jurisdiction by individual States.

6. **REQUESTS** the Chairperson of the African Union to table the matter before the United Nations (UN) Security Council and the UN General Assembly for consideration;

7. **FURTHER REQUESTS** the Chairperson of the AU Commission to urgently cause a meeting between the AU and European Union (EU) to discuss the matter with a view to finding a lasting solution to this problem and in particular to ensure that those warrants are withdrawn and are not executable in any country;

8. **ALSO REQUESTS** all UN Member States, in particular the EU States, to impose a moratorium on the execution of those warrants until all the legal and political issues have been exhaustively discussed between the African Union, the European Union and the United Nations.